

MINUTES OF THE MEETING OF THE
BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference was held on Tuesday, October 25, 2005 at 12:30 p.m. at the Supreme Court Chambers in Wilmington. The meeting was open to the public. Notice of the meeting had been posted. The members of the Conference in attendance were:

Members of the Electronic News Media:

Carl Kanefsky for Chris Carl
Micheline Boudreau
Johnnie Braxton
Peg Brickley

Members of the Print News Media:

Greg Burton for David Ledford
Elizabeth Bennett
Randall Chase
Rita Farrell
John Sweeney

Members from the Bench:

Judge Thomas L. Ambro
Judge Peggy L. Ableman
Vice Chancellor Leo E. Strine, Jr.
Andrea Shaffer for Chief Judge Chandlee Johnson Kuhn

Members of the Bar:

Don C. Brown, Esquire (by teleconference)
Kathleen Jennings-Hostetter, Esquire
Michael Parkowski, Esquire

Non-members present at the meeting were Phil Milford and Jeff Feeley of

Bloomberg and Esteban Parra and Sean O'Sullivan of the News Journal.

Kathleen Jennings-Hostetter, Chair of the Conference, opened the meeting and noted that her term as Chair was ending. Rita K. Farrell would chair the meeting as the new Chair of the Conference.

The first agenda item was the approval of the draft minutes from the February 9, 2005 meeting of the Conference. Rita Farrell offered corrections to be made to the minutes. The corrections will be made, and approval of the February minutes will be placed on the December 1 meeting agenda.

The election of a Conference Vice Chair was the next agenda item. The Chair announced that, under the Bar-Bench-Media Constitution, the next Vice Chair was to be from the Judiciary. The nomination of Chief Judge Kuhn to be the next Vice Chair was moved, seconded and unanimously approved.

Under old business, the Conference decided to discontinue the Annual Essay Contest because there were no funds available for the award of \$500 checks to the authors of the winning essays. The Conference may revisit the concept of sponsoring an Essay Contest in the future.

The topic of the Bar-Bench-Media Dinner was briefly discussed. It was decided that there was not sufficient time to plan and hold a dinner prior to the end of the year. Mike Parkowski was asked to work with Chief Judge Kuhn on making a recommendation for a topic for the dinner and a time frame in which to hold the dinner.

The next topic of discussion was the experiment under Administrative Directive No. 155 which permitted expanded media coverage of civil trials in the Court of Chancery and non-jury civil trials in the Superior Court. It was noted that the only coverage of a trial was in the Disney case in the Court of Chancery. The coverage was provided by Courtroom Connect which had a contract with the Court of Chancery for that case only. The coverage was by streaming video over the internet. For other electronic media to receive access to the feed, Courtroom Connect charged \$150.00 per day. No local media subscribed to the Courtroom Connect feed. As a result, there was not any local electronic media coverage under the Administrative Directive during the experimental period.

The Conference discussed the need to have a true experiment, the expansion of the experiment to criminal cases, and the need to identify cases that would have public interest during the experimental period. Jeff Feeley from Bloomberg stated that his company was prepared to offer gavel to gavel coverage of a Court of Chancery proceeding. He said that they were looking for the right case to cover. At this point, the Conference discussed that the experimental period had terminated, and the Conference would have to ask the Supreme Court to extend the period to permit a meaningful experiment. Since one of the requirements of the Administrative Directive was the preparation of a report to the Supreme Court concerning the experiment, Kathy Jennings and Steve Taylor volunteered to draft a report for the Conference on the results of the experiment to date.

The new policy prohibiting cellular telephones and other personal communications devices in the New Castle County Courthouse was briefly discussed. The formulation of the policy was initially undertaken without any input from outside entities such as the media. As the policy was later developed, a provision was made to exempt people who have regular business in the Courthouse and who present a picture identification badge issued by the Capitol Police. This provision permits the media to carry cell phones and other personal communication devices in the New Castle County Courthouse.

Rita Farrell noted the Conference's website needed to be updated. Steve Taylor said that it was his responsibility to update the site, and he would take care of it prior to the next meeting. Rita also made the Conference aware of the National Center for the Courts and Media. The Center had planned a seminar for media and judges in Annapolis but the seminar was cancelled. Rita indicated that the Center might be a source of funding for projects that the Conference might want to propose in the future.

The next agenda item was access issues. Rita outlined some access issues that the Conference might want explore through the formation of subcommittees. Some of the access issues identified were: (1) access to documents e-filed through the LexisNexis system, (2) costs to access documents in the LexisNexis system, (3) access to court transcripts, (4) access to redacted documents, (5) access to hearings in Chambers, (6) posting of opinions on the Court of Chancery website, (7) posting of the Court of Chancery schedule on the website, (8) closed courtrooms, (9) 24/7 access to court documents by LexisNexis subscribers, (10) access to the courts' dockets, (11) news by press release, (12) access to court contracts with LexisNexis and Courtroom Connect, (13) issuing credentials for reporters, (14) allocation of space in courtrooms

for reporters, (15) electronic media access to criminal proceedings in the trial courts and (16) the need for court policies to establish the rules for access to documents and court proceedings. The Conference discussed the need to organize the issues into a format that clearly identifies the issues for discussion and resolution. It was decided to form two subcommittees to frame the issues for discussion and propose possible courses of action. The first subcommittee will address issues concerning electronic media access to Delaware courtrooms. Johnnie Braxton, Greg Burton on behalf of David Ledford, Micheline Boudreau, Kathy Jennings and Judge Ableman volunteered to serve on this subcommittee. The second subcommittee will address access issues. Vice Chancellor Strine, Peg Brickley, Rita Farrell, Mike Parkowski, Randall Chase and Don Brown volunteered to serve on this subcommittee. While non-members of the Conference, Jeff Feeley and Sean O'Sullivan offered to work with this subcommittee. The subcommittees will meet prior to the next Conference meeting in December.

At the close of the meeting, the Conference approved the motion to request that the Supreme Court extend the experiment for the expanded media coverage in the trial courts for an indefinite period of time. This extension will give the electronic media the opportunity to conduct a meaningful experiment.

The final agenda item was selecting the next Conference meeting date. The Conference will meet on Thursday, December 8, 2005 at 12:30 p.m. in the Supreme Court Conference Room. Lunch will be provided. An agenda and updated membership list will be transmitted prior to the meeting date.

The meeting adjourned at 1:57 p.m.

Respectfully submitted,

November 29, 2005